

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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U.S. COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

Civil Action No. 12 CV 8791 (CM)

-against-

ERIC MONCADA,
BES CAPITAL LLC, and
SERDIKA LLC,

ECF Case

Defendants.

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**MOTION REQUESTING PERMISSION TO FILE
MEMORANDUM IN EXCESS OF 25 PAGES**

Defendant Eric Moncada respectfully requests that the Court grant him permission to file a Memorandum in opposition to plaintiff's motion for summary judgment in excess of 25 pages.

By endorsement dated January 10, 2014, the Court granted permission for the plaintiff to file its Memorandum in Support of Summary Judgment in excess of 25 pages. The Memorandum plaintiff actually filed is 51 pages long. With its motion, plaintiff filed hundreds of pages of detailed exhibits, and the statement of purported undisputed facts was 23 pages in length.

I have endeavored to keep defendant's response within the 25 page limit, but have found it impossible to do so. Accordingly, defendant respectfully requests that the Court permit defendant to file a Memorandum in Opposition to Summary Judgment in excess of 25 pages.

I have consulted with counsel for the plaintiff who takes no position on this application.

Dated: New York, New York

February 19, 2014

Litman, Asche & Gioiella, LLP
Attorneys for Defendant Eric Moncada

By: /s/ Richard M. Asche
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